

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, April 9, 2021

The Senate convened at 12:30 p.m., with President Pro Tempore Burckhard presiding.

The prayer was offered by Pastor LaRue Goetz, Revival Prayer Fellowship, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

MOTION

SEN. KLEIN MOVED that in accordance with Joint Rule 204, the Senate request return of HB 1233 from the House for the purpose of reconsideration, which motion prevailed on a voice vote.

POINT OF PERSONAL PRIVILEGE

SEN. MEYER rose on a point of personal privilege.

REMARKS OF SENATOR MEYER

MR. PRESIDENT: In listening to the prayer of Reverend Goetz, he mentioned fires; I want to stand up and recognize my friend and neighbor, Ross Brossart.

He is the mailman from Grandforks who saved many senior citizens from a terrible fire in a Grandforks condo.

Fortunately for many, he was delivering mail that morning, upon recognized a fire he ran through the units knocking on doors, saving many lives. Some people with walkers, many didn't know that there was a fire shooting up 20 feet above the roof.

I didn't have any remarks prepared, but I want to stand up and recognize the selfless acts of people in our community that are truly hero. He would never like the credit, and I'm sure I will hear about it when I get home; but I wanted to say, Ross Brossart seriously saved so many lives.

The quote in the Grandforks Herald that was really great read, "The mailman was awesome.... he must of ran like a donkey!"

Ross Brossart you are a hero and I want to say thank you!

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Meyer be printed in the Journal, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that Joint Rule 805 be reconsidered and amended as follows by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

SECTION 1. AMENDMENT. Joint Rule 805 is amended as follows:

805. Public health.

1. ~~Except as provided in subsection 2, each individual in~~ an area of the Capitol complex controlled by the Legislative Assembly shall wear a face mask or shield covering the nose and mouth completely, although the face mask or shield may be lowered or removed while speaking on the floor of the chamber after the member is recognized by the presiding officer. Areas controlled by the Legislative Assembly include the legislative chambers, committee rooms, Memorial Hall, Legislative Hall,

~~the Legislative Council office, and any additional space the Legislative Assembly acquires for its use.~~

- ~~2. When social distancing is maintained without exception, a member may remove the member's face mask or shield in areas of the Capitol complex controlled by the Legislative Assembly. However, a face mask or shield must be worn by each member during floor sessions and for at least thirty minutes before and after each floor session at which the members are physically present. "Social distancing" means remaining at least six feet from all other individuals.~~
- ~~3. Notwithstanding subsection 2, a committee chairman may require each individual in the chairman's committee room to wear a face mask or shield covering the nose and mouth completely, although a face mask or shield may be lowered or removed by an individual recognized by the chairman while the individual is addressing the committee during a meeting.~~
- ~~4. Consistent with the Centers for Disease Control and Prevention guidelines, it is recommended that members of the Legislative Assembly and legislative branch employees complete a health self assessment before arriving at the Capitol complex. Members of the Legislative Assembly and legislative branch employees shall submit to a temperature screening upon entering the Capitol complex. A member of the Legislative Assembly who has a temperature reading of 100.4 or greater or who is experiencing any symptoms of Coronavirus (COVID-19) shall report the temperature reading or existence of the symptoms to the member's party leader or designee immediately and comply with the protocols established jointly by the Majority and Minority Leaders. A legislative branch employee who has a temperature reading of 100.4 or greater or who is experiencing any symptoms of COVID-19 shall report the temperature reading or existence of the symptoms to the director of the Legislative Council or the director's designee.~~

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being asdf, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban

The motion prevailed on a recorded roll call vote.

CONSIDERATION OF AMENDMENTS

HB 1018, as engrossed: SEN. ERBELE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to provide for a report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible;

Sorvaag; Vedaa; Wanzek; Wardner; Weber

NAYS: Heitkamp; Larsen, D.; Larsen, O.; Myrdal; Wobbema

Engrossed HB 1018, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1023, as engrossed: SEN. DEVER (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; to provide for a report; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Anderson; Larsen, O.

Engrossed HB 1023, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1004, as engrossed: SEN. OEHLKE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor and to amend and reenact sections 54-10-10, 54-10-14, and 54-10-27 of the North Dakota Century Code, relating to the salary of the state auditor, political subdivision audits, and occupational and professional board audits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1004, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1215, as engrossed: SEN. PATTEN (Energy and Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order

WITHOUT RECOMMENDATION.**REQUEST**

SEN. BURCKHARD REQUESTED a verification vote, which request was granted.

The proposed amendments to Engrossed HB 1215 failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact section 54-17.8-03 of the North Dakota Century Code, relating to allowable uses of the outdoor heritage fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1215 failed.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to provide an appropriation to the department of commerce for health care workforce needs in rural areas of the state.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Hogan; Mathern

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1142 failed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on SB 2043, Engrossed SB 2089, and SB 2247, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

SB 2043: Sens. Vedaa, Meyer, Marcellais
Engrossed SB 2089: Sens. Lee, Anderson, Hogan
SB 2247: Sens. Burckhard, Larson, Kannianen

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1163, Engrossed HB 1276, Engrossed HB 1407, and HB 1492, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1163: Sens. Anderson, K. Roers, Clemens

Engrossed HB 1276: Sens. Meyer, J. Roers, Wobbema

Engrossed HB 1407: Sens. Anderson, K. Roers, Hogan

HB 1492: Sens. Anderson, Clemens, Hogan

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. VEDAA MOVED that the Senate do concur in the House amendments to SB 2214 as printed on SJ page 844, which motion prevailed on a voice vote.

SB 2214, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to amend and reenact subsection 6 of section 53-06.2-01, section 53-06.2-03, subsection 3 of section 53-06.2-07, and section 53-06.2-15 of the North Dakota Century Code, relating to the executive director of the North Dakota racing commission; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Wobbema

NAYS: Elkin; Fors; Larsen, D.; Larsen, O.; Lemm; Luick; Myrdal; Weber

Engrossed SB 2214 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LARSON MOVED that the Senate do concur in the House amendments to SB 2308 as printed on SJ page 1103, which motion prevailed on a voice vote.

SB 2308, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to create and enact a new section to chapter 15.1-09 and two new subsections to section 15.1-09-33 of the North Dakota Century Code, relating to school board authority regarding the displaying of the ten commandments and the recitation of the pledge of allegiance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Bakke; Heckaman; Hogan; Holmberg; Marcellais; Mathern; Oban; Piepkorn

Engrossed SB 2308 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2085 as printed on SJ pages 973-974, which motion prevailed on a voice vote.

Engrossed SB 2085, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the use of an automated clearing house to facilitate payment to medical assistance providers and provider applicants; to amend and reenact sections 50-24.1-26 and 50-24.1-32 of the North Dakota Century Code, relating to Medicaid waivers to provide in-home services and medical assistance and advanced practice registered nurses; to repeal section 50-24.1-06 of the North Dakota Century Code, relating to medical assistance remedial eye care; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Reengrossed SB 2085 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2078 as printed on SJ pages 1081-1082, which motion prevailed on a voice vote.

SB 2078, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to create and enact a new subsection to section 26.1-26.7-02 of the North Dakota Century Code, relating to the licensing of insurance producers; and to amend and reenact subsection 2 of section 26.1-02.1-01, subdivision c of subsection 1 of section 26.1-26-13.3, sections 26.1-26-33 and 26.1-26-42.1, subdivision c of subsection 1 of section 26.1-26.9-03, and subsection 2 of section 26.1-26.9-05 of the North Dakota Century Code, relating to the licensing of insurance producers; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Erbele; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Elkin; Fors; Heitkamp; Larsen, O.

Engrossed SB 2078 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BELL MOVED that the Senate do concur in the House amendments to Engrossed SB 2189 as printed on SJ pages 843-844.

REQUEST

SEN. BURCKHARD REQUESTED a verification vote, which request was granted.

The question being on the motion to concur in the House amendments to Engrossed SB 2189, the motion prevailed on a verification vote.

Engrossed SB 2189, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to provide for a legislative management study of reduced harm nicotine products.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Erbele; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner; Weber

NAYS: Davison; Elkin; Fors; Heckaman; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Piepkorn; Vedaa; Wobbema

Reengrossed SB 2189 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHAIBLE MOVED that the Senate do concur in the House amendments to Engrossed SB 2165 as printed on SJ page 975, which motion prevailed on a voice vote.

Engrossed SB 2165, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact sections 15.1-07-29 and 15.1-27-35.3, subsection 6 of section 15.1-36-06, and subdivision a of subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to the elimination of school district ending fund balance carried forward limitations, deductions from state aid formula payments, and school construction loan amounts; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Reengrossed SB 2165 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LARSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2233 as printed on SJ page 1130, which motion prevailed on a voice vote.

Engrossed SB 2233, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2233: A BILL for an Act to create and enact chapter 27-02.2 of the North Dakota Century Code, relating to attorney recruitment in rural counties and municipalities; to provide for a report to the legislative management; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Larsen, O.

Reengrossed SB 2233 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to SB 2088 as printed on SJ page 878, which motion prevailed on a voice vote.

SB 2088, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact a new subsection to section 50-28-02 of the North Dakota Century Code, relating to the use of an automated clearing house to facilitate payment to adoptive parents, to amend and reenact section 50-09-02.2 of the North Dakota Century Code, relating to adoption assistance; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2088 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2005 as printed on SJ pages 1162-1163, which motion prevailed on a voice vote.

Engrossed SB 2005, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; to provide an exemption; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Heitkamp; Larsen, O.

Reengrossed SB 2005 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2023 as printed on SJ pages 1156-1157, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission; to provide for a legislative management study; and to provide for a report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Erbele; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Lee; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Sorvaag; Wanzek; Wardner

NAYS: Clemens; Elkin; Fors; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Myrdal; Schaible; Vedaa; Weber; Wobbema

Reengrossed SB 2023 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2187 as printed on SJ page 878, which motion prevailed on a voice vote.

Engrossed SB 2187, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and sections 43-44-09.1, 43-44-09.2, 43-44-10.1, 43-44-18, 43-44-19, 43-44-20, and 43-44-21, relating to criminal history background checks and licensure and regulation of nutritionists and dietitians; to amend and reenact sections 43-44-01, 43-44-02, 43-44-03, 43-44-05, 43-44-06, 43-44-07, 43-44-08, 43-44-09, 43-44-10, 43-44-12, 43-44-13, 43-44-15, 43-44-16, and 43-44-17 of the North Dakota Century Code, relating to the regulation and licensure of nutritionists and dietitians; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Larsen, D.

Reengrossed SB 2187 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to SB 2123 as printed on SJ page 844, which motion prevailed on a voice vote.

SB 2123, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact subsection 2 of section 23-02.1-27 of the North Dakota Century Code, relating to access to death records; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2123 passed and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate respectfully requests the return of: HB 1233.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House accedes to the Senate request for the return of: HB 1233.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1018, HB 1023.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1142, HB 1215.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, unchanged: SB 2258.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, unchanged: SCR 4009, SCR 4012.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2212, SB 2213, SB 2256, SB 2269, SB 2271, SB 2282, SB 2313.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2212

Page 1, line 2, remove "and"

Page 1, line 2, after "pricing" insert "; and the role pharmacy benefit managers play in drug pricing"

Page 1, line 5, replace "consider studying" with "study"

Page 1, line 6, remove "and"

Page 1, line 6, after "pricing" insert "; and the role pharmacy benefit managers play in drug pricing"

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2213

Page 1, line 14, replace "nine" with "eight"

Page 1, line 22, replace "nine" with "eight"

Page 2, line 2, replace "nine" with "eight"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for an increase in the taxable valuation of a homestead against which the disabled veterans tax credit may be applied from \$6,750 to \$8,000. The Senate provided for the taxable valuation to be increased from \$6,750 to \$9,000.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2256

Page 1, line 1, after "developmental" insert "disability"

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 13, after "sources" insert "including the federal Medicaid 1915(i) waiver"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 and 2

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2269

Page 1, line 7, after "provide" insert "integrated formula"

Page 1, line 9, after "state" insert "at the rate provided under section 15.1-27-04.1"

Page 1, line 11, replace "twenty-one" with "twenty-two"

Page 1, line 11, after "graduated" insert "from a public"

Page 1, line 11, after "school" insert "in the state"

Page 1, line 12, after the underscored period insert "By June thirtieth of each year, postsecondary transitional programs shall submit to the superintendent of public instruction for the reimbursement of eligible students enrolled in the program."

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2271

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a statement of legislative intent regarding presidential elections; and to provide a directive.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT - OPPOSITION TO NATIONAL POPULAR VOTE INTERSTATE COMPACT - APPEAL TO CONGRESS. It is the intent of the sixty-seventh legislative assembly to oppose the national popular vote interstate compact, which would circumvent the electoral process set forth in the United States Constitution. If the compact becomes effective, the compact will require each signatory state to award the state's electoral college votes to the presidential candidate who received the most popular votes in all fifty states and the

District of Columbia. Fifteen states and the District of Columbia have adopted the compact. However, the current system for awarding electoral college votes to the winners of state elections fulfills the requirements for appointing electoral college electors under Article II of the United States Constitution and ensures states have proportionate representation in presidential elections. The sixty-seventh legislative assembly urges Congress not to consent to the interstate compact and to oppose any efforts to seek a national popular election of a president other than through an amendment to the Constitution.

SECTION 2. DIRECTIVE TO SECRETARY OF STATE. The secretary of state shall forward a copy of the enrolled version of this bill to the president of the United States Senate, the speaker of the United States House of Representatives, and each member of the North Dakota congressional delegation."

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2282

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the memberships of the board of university and school lands and the industrial commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - MEMBERSHIPS OF BOARD OF UNIVERSITY AND SCHOOL LANDS AND INDUSTRIAL COMMISSION. During the 2021-22 interim, the legislative management shall study the membership of the board of university and school lands and the membership of the industrial commission. The study must include consideration of potential conflicts of interest relating to the memberships, possible changes to the composition of the memberships of the board of university and school lands and the industrial commission, and possible changes to article IX of the Constitution of North Dakota. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2313

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 49-05 of the North Dakota Century Code, relating to resource planning, planning reserve margin, and reliable service obligation; to"

Page 1, line 3, remove "repeal chapter 17-01 of the North Dakota Century"

Page 1, line 4, replace "Code, relating to the 25x'25 initiative" with "provide a penalty"

Page 3, replace line 18 with:

"SECTION 3. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Resource planning.

1. An integrated resource plan must include:
 - a. The electric public utility's forecast of demand for electric generation supply over the planning period with recommended plans for meeting the forecasted demand plus an additional planning reserve margin for ensuring adequate and sufficient reliability of service; and
 - b. Any additional information the commission requests related to how an electric public utility intends to provide sufficient electric

generation service for use by retail customers within the state over the planning period.

2. An electric public utility shall include a least cost plan for providing adequate and reliable service to retail customers which is consistent with the provisions of this title and the rules and orders adopted and issued by the commission.
3. The commission may consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load.
4. The commission may contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The commission may require an electric public utility to pay a fee necessary for completion of an evaluation in an amount not to exceed two hundred fifty thousand dollars.
 - a. If additional funds are necessary for completion of the evaluation, upon approval of the emergency commission, the electric public utility shall pay the additional fees reasonably necessary for the completion.
 - b. If the evaluation applies to more than one electric public utility, the commission may assess each electric public utility the proportionate share of the fee.
5. An electric public utility shall report annually to the commission on cybersecurity preparedness, including an assessment of emerging threats and efforts taken by the electric public utility to implement cybersecurity measures. The commission may limit access to records and portions of a meeting relating to cybersecurity preparedness.

SECTION 4. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Planning reserve margin - Penalty.

The commission may require action, assess a disallowance or fine, or provide a penalty in accordance with chapter 49-07 if an electric public utility fails to meet the minimum capacity requirement and reserve margin. Unless otherwise set by the commission, the minimum capacity requirement and planning reserve margin is as set by the regional transmission organization to which the electric public utility belongs.

SECTION 5. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Reliable service obligation.

An electric public utility is responsible for ensuring reliable service. If an electric public utility fails to meet its obligation to provide reliable service to customers within the state, the commission may require action, assess disallowances or fines, or provide a penalty. The commission shall adopt rules and establish guidelines for assessment of penalties, fines, or disallowances which must take into consideration the nature, circumstances, and gravity of the violation, degree of culpability, history of prior outages, and good-faith attempts to ensure reliability."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SCR 4014.

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO.
4014**

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

WHEREAS, the apportionment of voting rights in relation to approval of political subdivision levy authority generally is apportioned one vote per qualified elector; and

WHEREAS, the apportionment of voting rights in relation to an individual's ability to protest the formation of a special assessment improvement district includes the apportionment of one vote for each dollar of the proposed special assessment against the owner's property and the apportionment of votes based on the total number of acres a property owner owns which are subject to assessment; and

WHEREAS, the apportionment of voting rights in relation to approval of a bond issuance generally is apportioned one vote per qualified elector, but the apportionment of voting rights in relation to protesting a bond issuance is measured in terms of assessed valuation in certain instances;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH
DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Management consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2016, SB 2145.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

Page 1, line 2, after "Dakota" insert "; to amend and reenact subsection 4 of section 52-06-01 of the North Dakota Century Code, relating to conditions required to be eligible for unemployment benefits; and to declare an emergency"

Page 1, replace lines 11 through 20 with:

"Salaries and wages	\$30,572,221	\$870,859	\$31,443,080
Operating expenses	17,840,895	(4,246,498)	13,594,397
Capital assets	20,000	0	20,000
Grants	6,166,112	2,114,939	8,281,051
Reed Act - unemployment insurance computer modernization	<u>10,475,114</u>	<u>470,012</u>	<u>10,945,126</u>
Total all funds	\$65,074,342	(\$790,688)	\$64,283,654
Less estimated income	<u>64,643,718</u>	<u>(770,293)</u>	<u>63,873,425</u>
Total general fund	\$430,624	(\$20,395)	\$410,229
Full-time equivalent positions	172.61	0	172.61"

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Subsection 4 of section 52-06-01 of the North Dakota Century Code is amended and reenacted as follows:

4. The individual has been unemployed for a waiting period of one week. The executive director may suspend the waiting period during periods of time when federal reimbursement for benefit charges incurred for the suspended waiting period is made available to the bureau. Any suspension of the waiting period applies to all new initial claims filed with an effective date within the time period in which the waiting period is suspended. No week may be counted as a week of unemployment for the purposes of this subsection:
 - a. Unless it occurs within the benefit year which includes the week with respect to which the individual claims payment of benefits;
 - b. If benefits have been paid with respect thereto; and
 - c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02; and

SECTION 6. EMERGENCY. Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Job Service North Dakota - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$30,572,221	\$28,961,152	\$2,481,928	\$31,443,080
Operating expenses	17,840,895	17,175,297	(3,580,900)	13,594,397
Capital assets	20,000	20,000		20,000
Grants	6,166,112	8,281,051		8,281,051
Reed Act - Computer modernization	10,475,114	10,945,126		10,945,126
Total all funds	\$65,074,342	\$65,382,626	(\$1,098,972)	\$64,283,654
Less estimated income	64,643,718	64,972,321	(1,098,896)	63,873,425
General fund	\$430,624	\$410,305	(\$76)	\$410,229
FTE	172.61	156.61	16.00	172.61

Department 380 - Job Service North Dakota - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Restores IT FTE Positions ²	Total House Changes
Salaries and wages	\$113,153	\$2,368,775	\$2,481,928
Operating expenses		(3,580,900)	(3,580,900)
Capital assets			
Grants			
Reed Act - Computer modernization			
Total all funds	\$113,153	(\$1,212,125)	(\$1,098,972)
Less estimated income	113,229	(1,212,125)	(1,098,896)
General fund	(\$76)	\$0	(\$76)
FTE	0.00	16.00	16.00

¹ Salaries and wages funding is adjusted for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021 with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

² Federal funding for the information technology unification initiative is adjusted to remove the transfer of 16 FTE information technology positions from Job Service North Dakota to the Information Technology Department (ITD), of which 5 FTE positions are unfunded. The Senate approved the transfer of 16 FTE information technology positions to ITD for information technology unification. The House amendments provide the 16 FTE positions will not be transferred to ITD.

This amendment also adds a section to amend North Dakota Century Code Section 52-06--01(4) to allow the executive director of Job Service North Dakota to suspend the unemployment benefit waiting period when federal reimbursement for benefit charges incurred are made available to Job Service North Dakota. This section is declared an emergency measure.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2145

Page 1, line 14, remove "assisted"

Page 1, line 15, remove "living facility."

Page 1, line 24, after "establish" insert "basic"

Page 2, line 3, after the underscored period insert "If a declaration of disaster or emergency results in restricted access to a long-term care facility, the department shall update the protocols within thirty days of the restricted access."

Page 2, line 11, after the underscored semicolon insert "and"

Page 2, line 13, remove "; and"

Page 2, remove lines 14 and 15

Page 2, line 16, remove "residents of the long-term care facility and essential caregivers"

Page 2, line 19, remove "of the long-term care facility if the requirements and cost are not so burdensome or"

Page 2, remove line 20

Page 2, line 21, remove "physical, spiritual, or emotional support to a resident of the long-term care facility"

Page 2, line 21, after the underscored period insert "The facility may require an essential caregiver to provide personal protective equipment for the essential caregiver and undergo any related training or assume the cost of the personal protective equipment and any related training provided by the facility to allow the essential caregiver to provide in-person physical, spiritual, or emotional support to a resident of the long-term care facility."

Page 2, after line 26, insert:

"50-10.3-06. Liability.

A facility, facility employee, or facility contractor that, in good faith, implements or complies with this chapter may not be held civilly liable for damages, including punitive damages, for any act or omission related to the implementation of this chapter. This section does not apply to any act or omission that constitutes gross negligence or willful or wanton misconduct.

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause failed: SB 2272.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2272

In lieu of the amendments adopted by the House as printed on page 1253 of the House Journal, Engrossed Senate Bill No. 2272 is amended as follows:

Page 1, line 3, remove "and sections 3"

Page 1, line 4, remove "and 4 of chapter 136 of the 2019 Session Laws"

Page 1, line 5, after the semicolon insert "to repeal sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code, relating to the skilled workforce student loan repayment program and the skilled workforce scholarship program;"

Page 1, line 6, remove "and"

Page 1, line 7, after "date" insert "; and to declare an emergency"

Page 4, line 5, after the underscored comma insert "state-approved educator training programs."

Page 5, line 17, after "education" insert ", in conjunction with the Bank of North Dakota."

Page 6, remove lines 23 through 30

Page 7, replace lines 1 through 8 with:

"SECTION 5. REPEAL. Sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code are repealed.

SECTION 6. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND. The Bank of North Dakota shall transfer the sum of \$3,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce student loan repayment fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 7. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE SCHOLARSHIP FUND. The Bank of North Dakota shall transfer the sum of \$3,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce scholarship fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 8. EFFECTIVE DATE. Sections 1, 2, 3, 6, and 7 of this Act become effective on July 1, 2021.

SECTION 9. EFFECTIVE DATE. Sections 5 of this Act becomes effective on July 1, 2023."

Page 7, after line 11, insert:

"SECTION 12. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SCR 4007.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2005, SB 2023, SB 2078, SB 2085, SB 2088, SB 2123, SB 2165, SB 2187, SB 2189, SB 2214, SB 2233, and SB 2308.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2043, SB 2089, and SB 2247, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2043: Sens. Vedaa; Meyer; Marcellais

SB 2089: Sens. Lee; Anderson; Hogan

SB 2247: Sens. Burckhard; Larson; Kannianen

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1498.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1163: Sens. Anderson; K. Roers; Clemens

HB 1276: Sens. Meyer; J. Roers; Wobbema

HB 1407: Sens. Anderson; K. Roers; Hogan

HB 1492: Sens. Anderson; Clemens; Hogan

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2059, SB 2060, SB 2103, SB 2166, SB 2261, SB 2273, SB 2276, SB 2340.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: SB 2001, SB 2009, SB 2032, SB 2034, SB 2054, SB 2068, SB 2099, SB 2101, SB 2110, SB 2113, SB 2142, SB 2162, SB 2206, SB 2215, SB 2216, SB 2232, SB 2253, SB 2259, SB 2263, SB 2280, SB 2317, SB 2328, SB 2341, SB 2344.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: SCR 4013.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 9, 2021: SB 2001, SB 2009, SB 2032, SB 2034, SB 2054, SB 2068, SB 2099, SB 2101, SB 2110, SB 2113, SB 2142, SB 2162, SB 2206, SB 2215, SB 2216, SB 2232, SB 2253, SB 2259, SB 2263, SB 2280, SB 2317, SB 2328, SB 2341, SB 2344.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 9, 2021: SCR 4013.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 12, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1013, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "15.1-06-19,"

Page 1, line 5, remove "school counselors,"

Page 1, line 7, remove "and"

Page 1, line 7, after "date" insert "; and to declare an emergency"

Page 1, remove lines 20 through 24

Page 2, replace lines 1 through 9 with:

"Salaries and wages	\$18,027,035	(\$172,288)	\$17,854,747
Operating expenses	33,770,947	30,053,890	63,824,837
Integrated formula payments	2,098,202,429	39,147,571	2,137,350,000
Grants - special education	24,000,000	3,000,000	27,000,000
Grants - transportation	56,500,000	1,600,000	58,100,000

Grants - other grants	287,062,705	300,416,379	587,479,084
Grants - program grants	7,680,000	(7,680,000)	0
Grants - passthrough grants	2,863,764	(2,863,764)	0
Grants - program and passthrough	0	23,887,064	23,887,064
PowerSchool	5,500,000	(250,000)	5,250,000
National board certification	108,000	68,290	176,290
Total all funds	\$2,533,714,880	\$387,207,142	\$2,920,922,022
Less estimated income	<u>812,553,743</u>	<u>445,291,906</u>	<u>1,257,845,649</u>
Total general fund	\$1,721,161,137	(\$58,084,764)	\$1,663,076,373"

Page 2, replace lines 15 through 20 with:

"Salaries and wages	\$4,300,335	(\$160,428)	\$4,139,907
Operating expenses	1,621,917	200,786	1,822,703
Grants	<u>2,233,528</u>	0	<u>2,233,528</u>
Total all funds	\$8,155,780	\$40,358	\$8,196,138
Less estimated income	<u>2,374,361</u>	<u>(9,944)</u>	<u>2,364,417</u>
Total general fund	\$5,781,419	\$50,302	\$5,831,721"

Page 2, remove lines 26 through 31

Page 3, replace line 1 with:

"Salaries and wages	\$8,054,944	\$277,876	\$8,332,820
Operating expenses	1,705,586	21,500	1,727,086
Capital assets	158,678	697,500	856,178
Grants	<u>40,000</u>	<u>(40,000)</u>	0
Total all funds	\$9,959,208	\$956,876	\$10,916,084
Less estimated income	<u>2,430,358</u>	<u>1,079,170</u>	<u>3,509,528</u>
Total general fund	\$7,528,850	(\$122,294)	\$7,406,556"

Page 3, replace lines 7 through 12 with:

"Salaries and wages	\$4,935,291	\$56,903	\$4,992,194
Operating expenses	795,821	29,850	825,671
Capital assets	<u>39,192</u>	<u>284,000</u>	<u>323,192</u>
Total all funds	\$5,770,304	\$370,753	\$6,141,057
Less estimated income	<u>1,052,315</u>	<u>326,863</u>	<u>1,379,178</u>
Total general fund	\$4,717,989	\$43,890	\$4,761,879"

Page 3, replace lines 18 through 20 with:

"Grand total general fund	\$1,739,189,395	(\$58,112,866)	\$1,681,076,529
Grand total special funds	<u>818,410,777</u>	<u>446,687,995</u>	<u>1,265,098,772</u>
Grand total all funds	\$2,557,600,172	\$388,575,129	\$2,946,175,301"

Page 3, after line 27, insert:

"Federal COVID-19 relief funds	0	305,266,879
State automated reporting system maintenance	0	200,000"

Page 4, replace lines 1 through 6 with:

"Total department of public instruction - all funds	\$5,200,000	\$318,966,879
Total department of public instruction - estimated income	<u>5,000,000</u>	<u>318,766,879</u>
Total department of public instruction - general fund"	\$200,000	\$200,000

Page 4, after line 9, insert:

"Operating expenses	0	21,500"
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Page 4, replace line 12 with:

"Total school for the deaf - estimated income	\$270,000	\$719,000"
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Page 4, replace lines 28 through 30 with:

"Grand total - all funds	\$5,750,500	\$320,002,879
Grand total - estimated income	<u>5,550,500</u>	<u>319,802,879</u>
Grand total - general fund	\$200,000	\$200,000"

Page 5, line 14, replace "\$110,000,000" with "\$144,300,000"

Page 5, line 23, remove "- **MEDICAID MATCHING FUNDING** -"

Page 5, line 24, remove "**DISTRIBUTION**"

Page 5, line 25, remove "1."

Page 6, replace lines 1 through 6 with:

"SECTION 7. MEDICAID MATCHING FUNDING - SCHOOL APPROVAL - WITHHOLDING AND DISTRIBUTION.

1. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program for the biennium beginning July 1, 2021, and ending June 30, 2023. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.
2. State school aid payments for integrated formula payments must be reduced by the amount of funds required to be paid by school districts for school approval for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 7, replace lines 26 through 28 with:

"SECTION 11. POSTSECONDARY TRANSITIONAL GRANT PROGRAM FUNDING. The integrated formula payments line item in subdivision 1 of section 1 of this Act includes funding for postsecondary transitional grants. The superintendent of public instruction shall provide integrated formula payments to postsecondary transitional programs for eligible students enrolled in a postsecondary transitional program within the state at the rate provided under section 15.1-27-04.1. For purposes of this section, "eligible student" means a student with a documented intellectual or developmental disability who is at least eighteen years of age but has not reached the age of twenty-two, who has graduated from a public high school in the state or obtained an equivalent degree, and who enrolls in a postsecondary transitional program. By June thirtieth of each year, postsecondary transitional programs shall submit to the superintendent of public instruction for the reimbursement of eligible students enrolled in the program. Grant payments under this section may not exceed the per student rate under section 15.1-27-04.1. The superintendent of public instruction shall review and approve postsecondary transitional programs and develop a system for the distribution of payments necessary to implement this section.

SECTION 12. USE OF NEW MONEY - NON-ADMINISTRATIVE PERSONNEL COMPENSATION INCREASES - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2021-23 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for integrated formula payments to increase the compensation paid to non-administrative personnel.

2. For purposes of this section, the superintendent of public instruction shall provide guidance to school districts regarding the calculation of the amount of new money available during the 2021-23 biennium.

SECTION 13. KINDERGARTEN THROUGH GRADE TWELVE EDUCATION COORDINATION COUNCIL FUNDING - RESTRICTION. Funding totaling \$260,000 from the general fund, appropriated in subdivision 1 of section 1 of this Act, is provided for defraying the expenses of the kindergarten through grade twelve education coordination council, for the biennium beginning July 1, 2021, and ending June 30, 2023. These funds may not be used for any other purpose."

Page 7, line 30, after the comma insert "the department of public instruction may deposit indirect cost recoveries in its operating account. In addition,"

Page 8, line 1, remove the comma

Page 8, line 2, replace "and may be spent" with ". Any funds deposited in the public instruction fund may only be spent"

Page 8, line 7, replace "\$23,733,064" with "\$23,887,064"

Page 8, after line 16, insert:

"SECTION 17. EXEMPTION - STATE AUTOMATED REPORTING SYSTEM REWRITE. Up to \$600,000 of the unexpended amount remaining from the one-time appropriation from the foundation aid stabilization fund for the state automated reporting system rewrite, as authorized in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, is not subject to the provisions of section 54-44.1-11 at the end of the 2019-21 biennium, and may be continued into the 2021-23 biennium for the purpose of continuing the state automated reporting system rewrite."

Page 9, line 16, replace "twenty-nine" with "thirty"

Page 9, line 16, replace "six" with "three"

Page 9, line 16, replace "eighty-five" with "twenty-three"

Page 10, remove lines 13 through 31

Page 11, remove lines 1 through 7

Page 11, line 11, after "**districts**" insert "**and special education units**"

Page 11, line 27, after "chapter" insert "or any special education unit"

Page 11, line 28, after "district" insert "or special education unit"

Page 11, line 28, after "manager" insert "or to jointly employ both a special education unit director and a business manager"

Page 11, line 30, after "manager" insert "or partial reimbursement of the combined salaries of the special education unit director and the business manager"

Page 12, line 3, after "district" insert "or special education unit"

Page 12, line 5, after "manager" insert "or the special education unit director and business manager"

Page 12, line 6, after "district" insert "or special education unit"

Page 12, line 7, after "manager" insert "or of the jointly hired special education unit director and business manager"

Page 12, line 8, after "schools" insert "or special education units"

Page 12, line 9, after "schools" insert "or special education units"

Page 12, line 10, after "schools" insert "or special education units"

Page 12, line 12, after "schools" insert "or special education units"

Page 12, line 15, after "districts" insert "or special education units"

Page 12, line 19, after "manager" insert "or the salaries of the special education unit director and business manager"

Page 13, line 12, replace "19" with "22"

Page 13, after line 13, insert:

"SECTION 26. EMERGENCY. Federal funding provided through the American Rescue Plan Act of 2021, totaling \$305,266,879 appropriated in subdivision 1 of section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Department of Public Instruction				
Total all funds	\$2,533,714,880	\$2,574,705,359	\$346,216,663	\$2,920,922,022
Less estimated income	812,553,743	918,215,157	339,630,492	1,257,845,649
General fund	\$1,721,161,137	\$1,656,490,202	\$6,586,171	\$1,663,076,373
FTE	89.25	86.25	0.00	86.25
State Library				
Total all funds	\$8,155,780	\$8,204,297	(\$8,159)	\$8,196,138
Less estimated income	2,374,361	2,363,923	494	2,364,417
General fund	\$5,781,419	\$5,840,374	(\$8,653)	\$5,831,721
FTE	27.75	26.75	0.00	26.75
School for the Deaf				
Total all funds	\$9,959,208	\$10,899,230	\$16,854	\$10,916,084
Less estimated income	2,430,358	3,488,980	20,548	3,509,528
General fund	\$7,528,850	\$7,410,250	(\$3,694)	\$7,406,556
FTE	44.61	44.61	0.00	44.61
Vision Services - School for the Blind				
Total all funds	\$5,770,304	\$6,144,207	(\$3,150)	\$6,141,057
Less estimated income	1,052,315	1,526,111	(146,933)	1,379,178
General fund	\$4,717,989	\$4,618,096	\$143,783	\$4,761,879
FTE	27.90	27.75	0.00	27.75
Bill total				
Total all funds	\$2,557,600,172	\$2,599,953,093	\$346,222,208	\$2,946,175,301
Less estimated income	818,410,777	925,594,171	339,504,601	1,265,098,772
General fund	\$1,739,189,395	\$1,674,358,922	\$6,717,607	\$1,681,076,529
FTE	189.51	185.36	0.00	185.36

House Bill No. 1013 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$18,027,035	\$17,838,463	\$16,284	\$17,854,747
Operating expenses	33,770,947	33,098,149	30,726,688	63,824,837
Integrated formula payments	2,098,202,429	2,098,370,500	38,979,500	2,137,350,000
Grants - Special education contracts	24,000,000	27,000,000		27,000,000
Grants - Transportation	56,500,000	56,500,000	1,600,000	58,100,000
Grants - Other grants	287,062,705	312,738,893	274,740,191	587,479,084
Grants - Program grants	7,680,000			
Grants - Passthrough grants	2,863,764			
PowerSchool	5,500,000	5,250,000		5,250,000
National board certification	108,000	176,290		176,290
Grants - Program and passthrough grants		23,733,064	154,000	23,887,064
Total all funds	\$2,533,714,880	\$2,574,705,359	\$346,216,663	\$2,920,922,022
Less estimated income	812,553,743	918,215,157	339,630,492	1,257,845,649
General fund	\$1,721,161,137	\$1,656,490,202	\$6,586,171	\$1,663,076,373
FTE	89.25	86.25	0.00	86.25

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for School Approval ²	Adjusts Funding for Integrated Formula Payments ³	Increases Funding for Transportation Aid ⁴	Adjusts Funding for Program and Passthrough Grants ⁵	Adds One-Time Funding for State Automated Reporting System (STARS) Maintenance ⁶
Salaries and wages	\$16,284					
Operating expenses						\$200,000
Integrated formula payments			\$38,979,500			
Grants - Special education contracts						
Grants - Transportation				\$1,600,000		
Grants - Other grants						
Grants - Program grants						
Grants - Passthrough grants						
PowerSchool						
National board certification						
Grants - Program and passthrough grants					\$154,000	
Total all funds	\$16,284	\$0	\$38,979,500	\$1,600,000	\$154,000	\$200,000
Less estimated income	9,613	(100,000)	34,300,000	0	154,000	0
General fund	\$6,671	\$100,000	\$4,679,500	\$1,600,000	\$0	\$200,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for COVID-19 Relief ⁷	Total Senate Changes
Salaries and wages		\$16,284
Operating expenses	\$30,526,688	30,726,688
Integrated formula payments		38,979,500
Grants - Special education contracts		
Grants - Transportation		1,600,000
Grants - Other grants	274,740,191	274,740,191
Grants - Program grants		
Grants - Passthrough grants		
PowerSchool		
National board certification		
Grants - Program and passthrough grants		154,000
Total all funds	\$305,266,879	\$346,216,663
Less estimated income	305,266,879	339,630,492
General fund	\$0	\$6,586,171
FTE	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² The funding source for professional fees related to school approval is adjusted to provide

\$100,000 from the general fund for the Department of Public Instruction's portion of the \$1,112,000 total cost. Funding for the remaining cost will be reimbursed by school districts through an assessment withheld from school districts' integrated formula payments.

³ Funding is increased for integrated formula payments pursuant to Senate amendments to House Bill No. 1388, including funding provided from the foundation aid stabilization fund to provide a 1 percent increase in the integrated formula payment rate each year of the 2021-23 biennium (\$34,300,000) and funding provided from the general fund related to changes in the school district size weighting factors for elementary schools (\$4,679,500).

⁴ Pursuant to Senate amendments to House Bill No. 1027, funding for transportation aid grants is increased to provide a total of \$58.1 million.

⁵ Funding from special funds made available from 2019-21 biennium carryover is added to increase funding for national writing projects (\$7,500), "We the People" program (\$27,500), and rural art outreach (\$119,000) to provide the following program and passthrough grants:

	Program and Passthrough Grants
Adult education matching grants	\$5,000,000
School food services matching grants	1,380,000
Free breakfast program	200,000
Program grant pool	900,000
Science experiments one-time grant	13,500,000
National writing projects	50,000
Rural art outreach projects	425,000
North Central Council for Education Media Services	202,300
Mentoring program	2,125,764
"We the People" program	70,000
Cultural heritage grants	34,000
Total program and passthrough grants	\$23,887,064

⁶ One-time funding is added for state automated reporting system (STARS) maintenance. In addition, a section is added to the bill to provide up to \$600,000 of the unexpended amount remaining from the one-time appropriation from the foundation aid stabilization fund for the STARS rewrite, at the end of the 2019-21 biennium may be continued into the 2021-23 biennium for continuing the STARS rewrite.

⁷ One-time funding made available through the American Rescue Plan Act of 2021 is added, including discretionary funding available to the Superintendent of Public Instruction (\$30,526,688) and funding to be allocated directly to school districts (\$274,740,191).

This amendment also:

- Adds a section to authorize the department to withhold funds required to be paid by school districts for school approval;
- Adds a section to authorize the Superintendent of Public Instruction to provide funding from the integrated formula payments line item for postsecondary transitional programs;
- Adds a section to require school districts to use 70 percent of increased funding for integrated formula payments for compensation increases for non-administrative personnel;
- Adds a section to restrict funding provided for the Kindergarten Through Grade Twelve Education Coordination Council;
- Removes a section related to indirect cost recoveries and amends a section related to general educational development fees and displaced homemaker deposits to include indirect cost recoveries;
- Amends North Dakota Century Code Section 15.1-02-02 to provide the statutory changes to increase the Superintendent of Public Instruction's salary. The Superintendent's annual salary would increase from the current level of \$125,880 to \$127,768, effective July 1, 2021, and to \$130,323, effective July 1, 2022, to reflect a 1.5 percent salary increase in the 1st year of the biennium and a 2 percent salary increase in the 2nd year of the biennium;
- Removes a section amending Section 15.1-06-19 related to school counselors that would have required each school district have one school counselor for every 300

- students in kindergarten through grade 6;
- Amends Section 15.1-27-16 to allow administrative cost-sharing reimbursement for special education units; and
 - Adds an emergency clause for federal funding provided through the American Rescue Plan Act of 2021, totaling \$305,266,879 appropriated in subdivision 1 of Section 1 of the bill.

House Bill No. 1013 - State Library - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,300,335	\$4,148,066	(\$8,159)	\$4,139,907
Operating expenses	1,621,917	1,822,703		1,822,703
Grants	2,233,528	2,233,528		2,233,528
Total all funds	\$8,155,780	\$8,204,297	(\$8,159)	\$8,196,138
Less estimated income	2,374,361	2,363,923	494	2,364,417
General fund	\$5,781,419	\$5,840,374	(\$8,653)	\$5,831,721
FTE	27.75	26.75	0.00	26.75

Department 250 - State Library - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Total Senate Changes
Salaries and wages	(\$8,159)	(\$8,159)
Operating expenses		
Grants		
Total all funds	(\$8,159)	(\$8,159)
Less estimated income	494	494
General fund	(\$8,653)	(\$8,653)
FTE	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

House Bill No. 1013 - School for the Deaf - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,054,944	\$8,337,466	(\$4,646)	\$8,332,820
Operating expenses	1,705,586	1,705,586	21,500	1,727,086
Capital assets	158,678	856,178		856,178
Grants	40,000			
Total all funds	\$9,959,208	\$10,899,230	\$16,854	\$10,916,084
Less estimated income	2,430,358	3,488,980	20,548	3,509,528
General fund	\$7,528,850	\$7,410,250	(\$3,694)	\$7,406,556
FTE	44.61	44.61	0.00	44.61

Department 252 - School for the Deaf - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adds One-Time Funding for Operating Expenses ²	Total Senate Changes
Salaries and wages	(\$4,646)		(\$4,646)
Operating expenses		\$21,500	21,500
Capital assets			
Grants			
Total all funds	(\$4,646)	\$21,500	\$16,854
Less estimated income	(952)	21,500	20,548
General fund	(\$3,694)	\$0	(\$3,694)
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² One-time funding is added for operating expenses to receive and expend two grants from the Department of Public Instruction (elementary and secondary school emergency relief funds) to assist special education programs in assessing and responding to individual needs as a result of COVID-19 (\$11,500) and to improve graduation rates of students with disabilities through the use of evidence-based practices (\$10,000).

House Bill No. 1013 - Vision Services - School for the Blind - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,935,291	\$4,995,344	(\$3,150)	\$4,992,194
Operating expenses	795,821	825,671		825,671
Capital assets	39,192	323,192		323,192
Total all funds	\$5,770,304	\$6,144,207	(\$3,150)	\$6,141,057
Less estimated income	1,052,315	1,526,111	(146,933)	1,379,178
General fund	\$4,717,989	\$4,618,096	\$143,783	\$4,761,879
FTE	27.90	27.75	0.00	27.75

Department 253 - Vision Services - School for the Blind - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adjusts the Funding Source for 1 FTE Position ²	Total Senate Changes
Salaries and wages	(\$3,150)		(\$3,150)
Operating expenses			
Capital assets			
Total all funds	(\$3,150)	\$0	(\$3,150)
Less estimated income	(951)	(145,982)	(146,933)
General fund	(\$2,199)	\$145,982	\$143,783
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² The funding source for 1 FTE position is changed from special funds available from trust fund distributions, rents, and service revenue to funding from the general fund.

REPORT OF STANDING COMMITTEE

HB 1032, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1032 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on pages 1263 through 1266 of the Senate Journal, Engrossed House Bill No. 1032 is amended as follows:

Page 1, line 1, replace "19" with "26.1"

Page 1, line 2, after the semicolon insert "to amend and reenact section 43-15.3-12 of the North Dakota Century Code, relating to wholesale drug license fees; to provide a continuing appropriation;"

Page 1, replace lines 4 and 5 with:

"SECTION 1. A new chapter to title 26.1 of the North Dakota Century Code is created and enacted as follows:"

Page 1, line 12, after "5." insert ""Drug manufacturer" means the entity that holds the national drug code for a drug which is engaged in the production, preparation, propagation, compounding, conversion, or processing of the drug or which is engaged in the packaging, repackaging, labeling, relabeling, or distribution of the drug. The term does not include a wholesale drug distributor or retail pharmacy licensed in this state.

6."

Page 1, line 14, replace "6." with "7."

Page 1, line 16, after "agency" insert "other than the department of human services or state department of health"

Page 1, remove line 18

Page 1, line 19, after "a" insert "drug"

Page 2, remove line 1

Page 2, line 2, replace "11." with "10."

Page 2, line 3, after "19-03.6-01" insert ". The term does not include the department of human services or state department of health"

Page 2, remove lines 4 through 8

Page 2, line 9, replace "13." with "11."

Page 2, line 9, remove "means a:"

Page 2, remove lines 10 through 18

Page 2, line 19, replace "restricted to use by a practitioner" with "has the same meaning as under section 43-15-01"

Page 2, line 20, replace "14." with "12."

Page 2, line 22, replace "pharmaceutical" with "drug"

Page 2, line 23, replace "15." with "13."

Page 2, line 24, replace "16." with "14."

Page 2, line 27, replace "17." with "15."

Page 2, line 27, after "the" insert "drug"

Page 2, line 28, replace "wholesale drug distributors" with "wholesalers"

Page 3, remove lines 3 and 4

Page 3, line 6, replace "board" with "commissioner"

Page 3, line 8, replace "United States food and drug administration-approved" with "prescription"

Page 3, line 9, after "that" insert "drug"

Page 3, line 14, replace "board" with "commissioner"

Page 3, line 21, after "the" insert "previous"

Page 3, line 23, after the first "the" insert "drug"

Page 3, line 25, after "the" insert "drug"

Page 3, line 27, after "A" insert "concise"

Page 3, line 31, replace "board" with "commissioner"

Page 4, line 1, after the first "the" insert "drug"

Page 4, line 1, after the second "the" insert "drug"

Page 4, line 4, replace "board" with "commissioner"

Page 4, line 4, after the second "the" insert "drug"

Page 4, line 7, after "a" insert "concise"

Page 4, remove lines 14 through 16

Page 4, line 19, replace "board" with "commissioner"

Page 5, line 3, after the underscored comma insert "the identity of a drug manufacturer."

Page 5, remove lines 6 through 10

Page 5, line 12, remove "a."

Page 5, line 13, replace "board" with "commissioner"

Page 5, line 15, replace "(1)" with "a."

Page 5, line 16, replace "(2)" with "b."

Page 5, line 18, replace "(3)" with "c."

Page 5, line 20, replace "(4)" with "d."

Page 5, line 22, replace "(5)" with "e."

Page 5, line 24, replace "(6)" with "f."

Page 5, remove lines 25 through 30

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 7

Page 8, line 9, remove "the board reports to"

Page 8, line 10, after the first "commissioner" insert "receives"

Page 8, line 13, replace "thirty" with "sixty"

Page 8, line 13, replace "from the board" with "under this chapter"

Page 8, line 14, after the underscored period insert "The information the commissioner publishes may not disclose or tend to disclose trade secret, proprietary, commercial, financial, or confidential information of any pharmacy, pharmacy benefits manager, drug wholesaler, or hospital."

Page 8, line 16, remove "board and the"

Page 8, line 17, replace "commissioner" with "board"

Page 8, line 17, replace "board" with "commissioner"

Page 8, line 19, replace "board" with "commissioner"

Page 8, line 20, replace the first "board" with "commissioner"

Page 8, line 20, after "44-04-17.1" insert "; however, as provided under section 44-04-18.4 any portion of a report which discloses trade secret, proprietary, commercial, or

financial information is confidential if it is of a privileged nature and has not been previously publicly disclosed"

Page 8, after line 20, insert:

"Drug pricing fund - Transfer - Continuing appropriation.

There is created in the state treasury the drug pricing fund, which consists of any money deposited in the fund by the board and any interest earned on moneys in the fund. The board may deposit up to six hundred dollars of every wholesaler license fee and every virtual wholesaler license fee collected by the board under section 43-15.3-12 to the drug pricing fund. All moneys in the fund, not otherwise appropriated, are appropriated to the insurance department to implement this chapter."

Page 8, line 22, replace "care plan" with "insurer"

Page 8, line 22, remove "hospital, pharmacy, wholesale drug distributor,"

Page 8, line 23, remove "pharmacy services administrative organization,"

Page 8, line 25, after the underscored period insert "The attorney general may waive or reduce a fine under this section upon a finding of good cause, such as excusable neglect or other extenuating circumstances."

Page 8, after line 26, insert:

"SECTION 2. AMENDMENT. Section 43-15.3-12 of the North Dakota Century Code is amended and reenacted as follows:

43-15.3-12. Fees.

The board shall charge and collect the following fees under this chapter:

Chain drug warehouse	
\$200	
Chain pharmacy warehouse	
\$200	
Durable medical equipment distributor, medical gas distributor, or both	
\$200	
Durable medical equipment retailer, medical gas retailer and distributor, or both	
\$300	
Hospital offsite warehouse	
\$200	
Jobber or broker	\$400 <u>Not to exceed</u>
<u>\$1,000</u>	
Manufacturer	\$400 <u>Not to exceed</u>
<u>\$1,000</u>	
Medical gas retailer, durable medical equipment retailer, or both	
\$200	
Medical gas durable medical equipment distributor and retailer	
\$300	
Outsourcing facility	
\$200	
Own label distributor	\$400 <u>Not to exceed</u>
<u>\$1,000</u>	
Pharmacy distributor	
\$200	
Private label distributor	\$400 <u>Not to exceed \$1,000</u>
Repackager	\$400 <u>Not to exceed</u>
<u>\$1,000</u>	
Reverse distributor	
\$200	
Third-party logistic provider	\$400 <u>Not to exceed</u>
<u>\$1,000</u>	

Veterinary-only distributor	
\$200	
Virtual manufacturer	
\$400	
Virtual wholesaler or distributor	\$400 <u>Not to exceed \$1,000</u>
Wholesaler or distributor	\$400 <u>Not to exceed \$1,000</u>

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1118, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1118 was placed on the Sixth order on the calendar.

Page 1, line 1, after "37-17.1-05" insert "and a new section to chapter 54-03"

Page 1, line 2, after "orders" insert "and permitting a virtual meeting of the legislative management and a virtual session of the legislative assembly"

Page 1, line 17, after "37-17.1" insert "and the governor consents to the order"

Page 1, line 19, after "emergency" insert "unless terminated earlier pursuant to chapter 37-17.1"

Page 1, line 22, overstrike "may" and insert immediately thereafter "shall"

Page 2, line 12, remove "declared"

Page 2, line 12, after "is" insert "declared and"

Page 2, line 16, remove "receiving the request from"

Page 2, line 17, after "management" insert "sends a request to the governor"

Page 2, line 19, replace "received by" with "sent to"

Page 2, line 20, remove "receiving"

Page 2, line 20, after "management" insert "was sent"

Page 2, line 22, after the underscored period insert "If the legislative assembly meets to address a declared state of disaster or emergency, the legislative assembly by concurrent resolution may terminate, extend, or modify the state of disaster or emergency."

Page 3, line 5, after the underscored comma insert "if a state of disaster or emergency relating to public health is declared and in effect."

Page 3, line 6, replace "a" with "the"

Page 3, line 7, after "emergency" insert "relating to public health"

Page 3, after line 7, insert:

"SECTION 4. A new section to chapter 54-03 of the North Dakota Century Code is created and enacted as follows:

Virtual session of the legislative management and legislative assembly during emergency or disaster.

1. If the legislative management meets to vote on whether the legislative management should request the governor call a special session of the legislative assembly, the legislative management may use any

- technology or electronic means available to conduct meetings and transact legislative business.
2. If the governor calls a special session of the legislative assembly to address a state of emergency or disaster or if the legislative assembly reconvenes to address a state of emergency or disaster, the legislative assembly may use any technology or electronic means available to conduct meetings and transact legislative business.
 3. For purposes of section 7 of article IV of the Constitution of North Dakota, a meeting of the legislative assembly which occurs under this section is deemed to have occurred at the seat of the government, and all actions taken during the meeting have the same legal effect as if the members of the legislative assembly were physically present at the seat of government."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1212, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1212 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "section 53-06.1-08.3 and"

Page 1, line 2, after the first "to" insert "electronic pull tab devices and"

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 4, remove "and"

Page 1, line 4, after "date" insert "; and to provide an expiration date"

Page 1, after line 5, insert:

"SECTION 1. Section 53-06.1-08.3 of the North Dakota Century Code is created and enacted as follows:

53-06.1-08.3 Moratorium on electronic pull tab devices.

The attorney general may not authorize the installation of additional electronic pull tab devices at any location in the state during the period beginning on the effective date of this Act and ending July 31, 2023."

Page 3, after line 5, insert:

"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CHARITABLE GAMING. During the 2021-22 interim, the legislative management shall consider studying the laws and regulatory structure of charitable gaming. The study must include consideration of the impacts of charitable gaming on tribal gaming, including revenues, regulatory requirements, and employment opportunities; whether a portion of gaming proceeds should be deposited in the gaming disorder prevention and treatment fund; the definitions of charitable and public-spirited organizations; the eligible uses of net proceeds; and regulations regarding the number of machines, sites, and locations. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Page 3, line 6, replace "2" with "3"

Page 3, after line 7, insert:

"SECTION 6. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1249, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1388, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1388, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 1060 through 1066 of the Senate Journal, Reengrossed House Bill No. 1388 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 15.1-06-04, a new section to chapter 15.1-07, a new section to chapter 15.1-13, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to virtual learning, school calendar length, reading competency requirements, and teacher professional development and licensure; to"

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, after the first comma insert "subsection 4 of section 15.1-06-04, subdivision e of subsection 1 of section 15.1-06-06, section 15.1-06-13, subsection 2 of section 15.1-09.1-02.1, and sections 15.1-20-01,"

Page 1, line 1, remove the second "and"

Page 1, line 1, after "15.1-27-04.1" insert ", 15.1-27-35, and 15.1-31-07"

Page 1, line 3, remove "and"

Page 1, line 4, after "rates" insert ", student attendance and enrollment, school approval, school compliance, regional education association services, average daily membership, and school calendars; to provide for a legislative management study; to provide for a legislative management report"

Page 1, line 5, replace "provide an appropriation" with "provide an effective date"

Page 2, line 14, remove "and"

Page 2, line 16, remove the overstrike over "~~An individual employed as a public school principal;~~" and insert immediately thereafter "and"

Page 2, line 17, after "~~(5)~~" insert "(4)"

Page 3, after line 29, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. For purposes of this section, a full day of instruction at a physical school plant consists of:
 - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 3. A new subsection to section 15.1-06-04 of the North Dakota Century Code is created and enacted as follows:

If a school district intends to provide virtual instruction, the instruction must comply with the requirements under subsection 4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 4. AMENDMENT. Subdivision e of subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

- e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
 - (1) Has no unremedied deficiency; or
 - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;

SECTION 5. AMENDMENT. Section 15.1-06-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.

The superintendent of each school district shall ensure that the ~~schools~~physical school plants in the district comply with all health, safety, and sanitation requirements.

SECTION 6. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

SECTION 7. AMENDMENT. Subsection 2 of section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Subsection 1 does not preclude a regional education association from offering additional services ~~to its member districts.~~

SECTION 8. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Reading instruction competency.

1. The board shall ensure a candidate for teacher licensure demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the

acquisition of knowledge of the essential components of beginning reading instruction, including:

- a. Phonemic awareness;
 - b. Phonics;
 - c. Fluency;
 - d. Vocabulary;
 - e. Comprehension;
 - f. How to assess student reading ability; and
 - g. How to identify and correct reading difficulties.
2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must complete at least nine semester hours of reading which include a focus on the components under subsection 1.
 3. A prekindergarten through grade twelve and a secondary education initial teacher licensure candidate must complete at least three semester hours of reading in the content area to be taught which includes a focus on vocabulary, comprehension, and writing.
 4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

SECTION 9. AMENDMENT. Section 15.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-01. Compulsory attendance.

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure ~~that the child is in attendance at~~attends a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure ~~that the child is in attendance at~~attends the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not re-enroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.
4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 10. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Reading curriculum - Content - Professional development - Reports to legislative management.

1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:
 - a. Is scientifically based, evidence based, and research based;
 - b. Focuses on:
 - (1) Phonemic awareness;
 - (2) Phonics;
 - (3) Fluency;
 - (4) Vocabulary; and
 - (5) Comprehension; and
 - c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.
2. Before the 2022-23 school year, each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1.
3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.
4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:
 - a. Ensures the placement of highly effective teachers in kindergarten through grade three;
 - b. Has integrated reading instruments used to diagnose reading development and comprehension; and
 - c. Has integrated evidence-based resources to support reading development and comprehension.
5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.
6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.
7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students."

Page 12, line 10, after "thousand" insert "one hundred"

Page 12, line 16, after "thousand" insert "one hundred"

Page 12, line 22, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 12, line 29, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 12, after "thousand" insert "one hundred"

Page 19, line 18, after "thousand" insert "one hundred"

Page 19, line 24, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 31, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 23, replace lines 25 through 29 with:

"SECTION 13. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance at the school's physical plant during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
 - a. Nine hundred sixty-two and one-half hours for elementary school students; or
 - b. One thousand fifty hours for middle and high school students.
2. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - d. A student enrolled full time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 14. AMENDMENT. Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-07. Students not subject to this chapter.

1. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district.
2. If a student resides in a district other than the one the student is enrolled in for purposes of receiving virtual instruction, the student is not subject to this chapter unless a cost-sharing agreement is established between the school district of residence and the receiving district.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - TRANSITION MINIMUM REDUCTION.

1. During the 2021-22 interim, the legislative management shall consider studying kindergarten through grade twelve school funding, including transition minimum reduction impacts to reorganized and consolidated school districts. The study must include:
 - a. A review of school districts that have multiple buildings in the district and districts that have built a new building without using traditional bonding methods as a result of a multidistrict reorganization;
 - b. An analysis of high-cost students, including students who are high cost due to special education needs, medical reasons, agency placements, or any other reasons that increase the cost to educate the students beyond the state threshold;
 - c. An ongoing review of the impacts of school districts that are off of the funding formula as they transition onto the formula;
 - d. An analysis of human resource allocation and the duties and needs in elementary and secondary school buildings with a targeted focus on student academic health, behavioral health, and social and emotional health; and
 - e. A review of student performance data relevant to students participating in virtual learning.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly.

SECTION 16. EFFECTIVE DATE. Section 8 of this Act becomes effective on July 1, 2022."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1453, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Sixth order on the calendar.

Page 6, line 14, replace "to" with "at a meeting of"

Page 6, line 15, after "information" insert ". The final audit report may be provided to the members of the legislative audit and fiscal review committee before the meeting"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1475, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended,

recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed HB 1475, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 914 through 916 of the Senate Journal, Reengrossed House Bill No. 1475 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 4.1-01.1 of the North Dakota Century Code, relating to an agriculture diversification and development fund, agriculture diversification and development committee, and agriculture diversification and development fund grants program; to provide an appropriation; to provide a continuing appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development loan fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements, grants, and administrative costs pursuant to this section. No more than twenty-five percent of the fund may be utilized for grants in a biennium.
2. Loans, interest rate buydowns, or grants may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The Bank shall contract with a certified public accounting firm to audit the fund if the fund has any loans. The cost of the audit must be paid from the fund.

SECTION 2. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development committee.

1. The agriculture diversification and development committee consists of eleven members, five of whom must be appointed by the commissioner for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years.
 - a. Four of the members appointed by the commissioner must be actively engaged in farming in this state and the fifth member

appointed by the commissioner must be actively engaged in agribusiness in this state.

- b. The governor shall appoint one member for a term of two years which expires in odd-numbered years.
 - c. The member appointed by the governor must be actively engaged in business in this state.
 - d. The remaining committee members must consist of:
 - (1) One representative from the independent community banks of North Dakota;
 - (2) One representative from the North Dakota bankers association;
 - (3) The commissioner of commerce or the commissioner's designee;
 - (4) The president of North Dakota state university or the president's designee; and
 - (5) The agriculture commissioner or the commissioner's designee.
 - e. The committee shall elect one of its members as chairman.
2. The agriculture diversification and development committee shall develop guidelines for the grants, including eligibility criteria and reporting requirements. The guidelines must include priority for businesses with a majority of the ownership comprised of North Dakota residents. The agriculture diversification and development committee shall review grant applications and make funding determinations.

SECTION 3. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development fund grants program - Access to records.

1. To the extent the agriculture diversification and development committee determines the materials or data provided under section 1 of this Act consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying for grants with the committee, materials and data submitted to, made by, or received by the committee, are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota, and are subject to section 44-04-18.4.
2. A person may file a request with the committee to have material designated as confidential under subsection 1. The request must contain any information required by the committee and must include at least the following:
 - a. A general description of the nature of the information sought to be protected;
 - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons;
 - c. An explanation of why the information is not readily ascertainable by proper means of other persons;

- d. A general description of any person that may obtain economic value from disclosure or use of the information, and how the person may obtain this value; and
- e. A description of the efforts used to maintain the secrecy of the information.
- 3. A request under subsection 2 is confidential. The committee shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the committee determines the information is not relevant or not a trade secret, the committee shall notify the requester and the requester may ask for the return of the information and the request within ten days of the notice. If no return is sought, the information and request are public records.
- 4. The names or identities of independent technical reviewers on a project or program are confidential, may not be disclosed by the committee, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.

SECTION 4. APPROPRIATION - TRANSFER TO AGRICULTURE DIVERSIFICATION AND DEVELOPMENT FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the agriculture diversification and development fund for the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1475 - Bank of North Dakota - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Agriculture innovation fund		\$5,000,000	(\$5,000,000)	
Ag. diversification and development			10,000,000	\$10,000,000
Total all funds	\$0	\$5,000,000	\$5,000,000	\$10,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$5,000,000	\$5,000,000	\$10,000,000
FTE	0.00	0.00	0.00	0.00

Department 471 - Bank of North Dakota - Detail of Senate Changes

	Adjusts Funding for Agriculture Grants ¹	Total Senate Changes
Agriculture innovation fund	(\$5,000,000)	(\$5,000,000)
Ag. diversification and development	10,000,000	10,000,000
Total all funds	\$5,000,000	\$5,000,000
Less estimated income	0	0
General fund	\$5,000,000	\$5,000,000
FTE	0.00	0.00

¹ The Senate replaced the agriculture innovation fund with the agriculture diversification and development fund and provided for a transfer of \$10 million from the general fund to the newly created agriculture diversification and development fund. The House provided \$5 million from the general fund for the agriculture innovation fund.

REPORT OF STANDING COMMITTEE

HB 1495, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1495 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "37-17.1-10,"

Page 8, remove lines 24 through 31

Page 9, remove lines 1 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3005: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Sixth order on the calendar.

Page 1, line 5, after "days" insert "per biennium"

Page 2, line 2, after "days" insert "per biennium"

Page 2, line 7, after "session" insert "properly called by the legislative management under this section"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2048, as engrossed: Your conference committee (Sens. Klein, D. Larsen, Marcellais and Reps. Klemin, Hanson, Christensen) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 997 and place SB 2048 on the Seventh order.

Engrossed SB 2048 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2117: Your conference committee (Sens. Wobbema, Elkin, Marcellais and Reps. Karls, Schauer, Schneider) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 910 and place SB 2117 on the Seventh order.

SB 2117 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Klein's motion.

Shanda Morgan, Secretary

